

GOVERNMENT OF TELANGANA  
ABSTRACT

Tribal Welfare Department - Khammam District - Revision Petition filed by Sri Gudavarthi Venkateswara Rao, S/o Late Pitchaiah, R/o Aswapuram (V&M), Khammam District - against the Orders of the Additional Agent to Government in C.M.A No: 37/2007 dated: 29-12-2007 in respect of Acres 8.00 in Survey No: 127/6/AA of Amerda (V) of Aswapuram (M), Khammam District - Rejected - Orders - Issued

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TRIBAL WELFARE (LTR) DEPARTMENT

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G.O.Ms.No. 58

Dated: 27-11-2018  
Read the following:-

- 1) Revision Petition filed by Sri Gudavarthi Venkateswara Rao, S/o Late Pitchaiah, R/o Aswapuram (V&M), Bhadrachalam dt: 22.03.2008.
- 2) Govt. Memo. & Letter No. 2690/LTR.2/2008, dt: 16.06.2008.
- 3) From the Additional Agent to Government, Bhadrachalam.  
RP.No.2690/LTR-2/08-2 (CMA No.37/2007), dt:17.04.2009.  
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ORDER

In the reference 1<sup>st</sup> read above, Sri Gudavarthi Venkateswara Rao, S/o Late Pitchaiah, R/o Aswapuram (V&M), Khammam District has filed Revision Petition before the Government aggrieved by the orders of the Additional Agent to Government, Khammam District issued dt: 29.12.2007 in C.M.A. No.37/2007 in respect of Acres 8.00 in Survey No: 127/6/AA of Amerda (V) of Aswapuram (M) Khammam District.

2. In the reference 2<sup>nd</sup> read above, rejected stay and the Project Officer & Additional Agent to Government, Khammam District was requested to furnish Para Wise Remarks and connected case records and in the reference 3<sup>rd</sup> read above the Additional Agent to Government, Bhadrachalam, Khammam District has furnished Para Wise Remarks and connected case records.

3. The Main grounds of the case are as follows:

- The Orders of the courts below are contrary to law, weight of evidence and probabilities of the case.
- The Courts concerned ought to have seen that the petitioner is the owner and possessor of 8 Acres of land in S.No.127/6/AA situated at Amerda village, Aswapuram Mandal, Khammam District.
- The Courts concerned further ought to have seen that the mother of the petitioner herein by name, Gudavarthi Nagamma purchased the land to an extent of 50 Acres in S.Nos.127/6/AA situated at Amerda village, Aswapuram Mandal, Khammam District through a sale deed dt.01.08.1959 from the Pareedali Khan ( Respondent No.4) through his General Power of Authority Holder Bandarupalli Ranga Rao through a registered GPA dt.07.04.1959 for a sale consideration of Rs.750/- and ever since that date, the mother of the petitioner and later the petitioner has been in possession and enjoyment of the same as owner and possessor of the said land.
- The Courts concerned ought to have seen that the name of the petitioner and his mother was entered in the revenue records as owner and possessor of the said land and ever since the date of sale, the mother of the petitioner and later the petitioner has been paying land revenue to the said land in respect of the above said land, the petitioner was issued title deed and pattedar pass books.

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- The Courts concerned ought to have seen that out of 50 Acres of land, the land in question has fallen to the share of the petitioner under family partition.
- The Courts concerned without appreciating the above facts illegally ordered eviction of the petitioner from the land in question.
- The Courts concerned ought to have seen that A.P. Scheduled Area Land Transfer Regulation has no application to the facts of this case as the land in question was purchased by the mother of the petitioner before the above said Regulation came into force.
- The Courts concerned further ought to have seen that the Tahsildar, Aswapuram has regularized the above sale deed by collecting necessary stamp duty.
- The Courts concerned ought to have seen that they have no jurisdiction to adjudicate on the validity of the sale deed in favour of the mother of the petitioner herein. On the other hand, the courts below ought to have seen that the validity or otherwise of the transfers made prior to Sec. 3(1) or its amendments by Regulation II of 1963 or I of 1970 coming into force cannot be adjudicated upon under Sec. 3(2) of the Regulation and the same has to be challenged in an appropriate Forum constituted for deciding the disputes relating to the immovable property situated in scheduled areas.
- The Courts concerned ought to have seen that Under any circumstances, in the instant case, the provisions of A.P Scheduled Area Land Transfer Regulation are not violated.
- The Courts concerned further ought to have seen that in another LTR case Nos.36, 80, 78, 77, 34, 33 and 79 of 2002/ASPM, the SDC, Bhadrachalam the case decided the case in favour of the petitioner in order dt.5.3.2007.
- That during the pendency of the case before the Additional Agent to Government, Bhadrachalam, Khammam District, Status-quo was ordered.
- The other reasons given by the Courts concerned while ordering eviction of the petitioner from the land in question are unsound and untenable in law.
- Thus, the Revision Petitioner has requested to set aside the orders of the Additional Agent to Government, Bhadrachalam, dt: 29.12.2007 in C.M.A. No.37/2007 and pass such other order deemed fit and proper.

4 The remarks of the Additional Agent to Government, Bhadrachalam on the Revision Petition are as follows:

- Originally the LTR case was initiated by the Special Deputy Collector (TW), Bhadrachalam in LTR case No.35/ASPM/02 between the Mandal Revenue Officer, Aswapuram, Sri Pareedali Khan as petitioner and Sri Gudavarthi Venkateswar Rao and Muntha Mallaiah, Uppala Venkanna as Respondents. The Special Deputy Collector (TW) Bhadrachalam in his order dt: 18-10-2005 passed ejectment orders directing the Mandal Revenue Officer, Aswapuram to evict the respondents and to vest the suit land to an extent of Ac.12-02 gts. in Sy.No.127/6/AA of Amerda (V) of Aswapuram (M) to the Government. Aggrieved by the order. The Additional Agent to Government, Bhadrachalam, Sri Pareedali Khan who is the Revision Petitioner herein has filed an appeal before the Agent to Government, Khammam. The said appeal has been transferred to the Additional Agent to Government,

Bhadrachalam and it has been renumbered vide CMA No.37/2007. The Additional Agent to Government Bhadrachalam and it has been renumbered vide CMA No.37/2007. The Additional Agent to Government, Bhadrachalam has dismissed the appeal on 29-12-2007 confirming the lower court orders. Against the said order the present Revision is filed before the Government by the Revision Petitioner.

- The Revision Petitioner's case is that his mother G. Nagamma purchased Ac.50-00 of land in Sy.No.127/6/AA through a sada sale deed dt.1-08-1959 from the 4<sup>th</sup> respondent (Pareedalli Khan) through his G.P.A holder B. Ranga Rao through a Registered G.P.A dt.7-04-1959 for consideration of Rs.750/-. The Revision Petitioner is claiming the property through un-registered sale deed and filed a Photostat copy of un-stamp and un-registered white paper sale agreement which is inadmissible in evidence. Through the said invalid document the Revision petitioner or his mother will not acquire any title over the schedule property.
- As per Pahani 1967-68 G. Nagamma, P. Padmavathi shown as enjoyers. The contention of Revision petitioner is schedule land was purchased by his mother in the year 1958. But even after lapse of (10) years of alleged purchase her mother's name will not find in place of pattadars column. If really the alleged sale had taken place the Revision Petitioner mother's name would find in pattadar's column and as well as in enjoyer's column so the alleged sale is not true.
- The Revision Petitioner failed to prove that the scheduled land was fallen to his share in partition.
- The Additional Agent to Government after due verification and clearly discussing the facts of the case passed orders.
- The schedule land is situated in the scheduled Area, burden lies on the Non-Tribal Revision Petitioner to show that his possession is lawful and not hit by Regulation.
- The Revenue authorities while issuing pattedar pass books must verify whether the sale transaction has taken prior to the regulation or not. If genuine then only the sale has to be regularized and the pattedar pass book should be issued. But in this case, the authorities without observing the Land Transfer Regulations issued pass book as the schedule land is situated in the schedule area that the Revenue authorities while issuing pattedar pass books must verify whether the sale transaction has taken prior to the regulation or not. If genuine then only the sale has to be regularized and the pattedar pass book should be issued. But in this case the authorities without observing the Land Transfer Regulation and issued pass book as the Schedule land is situated in the Schedule area.
- The Revision petitioner has filed Xerox copy of unregistered sada sale deed dt: 01-08-1959 before the Additional Agent to Government which is inadmissible in evidence.
- The Revision Petitioner has not mentioned or filed the LTR case Nos.36, 80, 78,77, 34, 33 and 79 of 2002 of Aswapuram, without filing any orders in the said cases, first time the Revision petition raised this plea in the revision.

- In view of the above, the Additional Agent to Government, Bhadrachalam has requested that the orders passed by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents is proper and legally correct according to the provisions of APSA LTR Regulation 1/59 amended by 1/70. It is therefore, prayed the Government may be pleased to dismiss the Revision Petition.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Additional Agent to Government, observed that:

- The Revision Petitioner is owner and possession of Ac-8-00 land in question. His mother G. Nagamma purchased Ac-50-00 through a sale deed dt: 01.08.1959 from Sri Pareed Alikhan through his GPA B. Ranga Rao for Rs.750/-.
- Facts:- Unstamped & Unregistered sale deed dt: 01.08.1959 Issue of Pattadar Pass Books under ROR is procedural Law. Not Valid.
- G. Nagamma did not get it registered. She is shown as possessor from 1967-68 up to 10 years.
- Once Smt. G. Nagamma has not got any title over the land the distribution of Ac 50-00 land among her legal heirs cannot be accepted.
- The Revision Petitioner of his legal heirs did not get the land registered in their name. They are possessors by virtue of sada sale deed. Hence the partition deed by successors is not valid.

6. Government therefore, after careful examination of the matter hereby rejects the Revision Petition filed by Sri Gudavarthi Venkateswara Rao, S/o Late Pitchaiah, R/o Aswapuram (V&M), Khammam District before the Government aggrieved by the orders of the Additional Agent to Government, Khammam District issued in respect of Acres 8.00 in Survey No: 127/6/AA of Amerda (V) of Aswapuram (M), Khammam District and upholds the orders of the Additional Agent to Government, Bhadrachalam, dt: 29.12.2007 in C.M.A.No.37/2007.

7. The Additional Agent to Government and Project Officer, ITDA, Bhadrachalam District shall take necessary further action accordingly. The original case records received in the reference 3<sup>rd</sup> read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA  
SECRETARY TO GOVERNMENT

To

- 1) Sri Gudavarthi Venkateswara Rao, S/o Late Pitchaiah,  
R/o Aswapuram (V&M), Bhadrachalam, Bhadradi Kothagudem District.
- 2) Sri Pareedali Khan, S/o Meer Md. Ali Sahab,  
R/o Aswapuram (V&M), Bhadrachalam, Bhadradi Kothagudem District.
- 3) Sri Muntha Mallaiah (died) by his Legal Heir Muntha Satyamma  
R/o Aswapuram (V&M), Bhadrachalam, Bhadradi Kothagudem District.
- 4) Sri Uppala Venkanna,  
R/o Aswapuram (V&M), Bhadrachalam, Bhadradi Kothagudem District.
- 5) The Project Officer, ITDA and Additional Agent to Government,  
Bhadrachalam, Khammam District (w.e.)

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Copy to :

The Special Deputy Collector (TW), Bhadrachalam District.  
for information and necessary action.

The Tahsildar,

Aswapuram Mandal, Khammam District.

Sri M.Raja Malla Reddy, Advocate,

Plot No: 22, Pragatinagar, Ramanthapur, Hyderabad.(9440354062)

Sri M.Ganapathi Rao, Advocate,

Bhadrachalam, Bhadradi Kothagudem District.

P.S to Minister (TW)/P.S. to Secretary (TW)

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER